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DR. MARK M. FRIEDMAN
C/O BILL POLKINGHORN - DISCOVERY DISPATCH
9003 FLORIN WAY
UPPER MARLBORO, MD 20772

EXAMINER	
ABDALLA, KHALID M	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mark_f@friedpat.com
friedpat@yahoo.com
sharon_l@friedpat.com

Office Action Summary	Application No.	Applicant(s)	
	10/553,204	WEINER, MOSHE	
	Examiner	Art Unit	
	KHALID ABDALLA	2419	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10/13/2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-50* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-50* is/are rejected.

7)☒ Claim(s) *23* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08). Paper No(s)/Mail Date *11/17/2008 and 08/02/2006*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claim 23 is objected to under 37 CFR 1.75(c) because of the following informalities:

Regarding claims 23, the term "...the entire message....." in line 4 seems to refer back to " ....entire instant voice message ..... " in claim22 ,lines 10 .If this is true its suggested to change "... the entire message ...." to "....the entire instant voice message ....."

Claim Rejections - 35 USC § 112

2. Claim22 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 22 recites the limitation "....the entire instant voice message..." in line 10. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 27-32,38-41 and 45-50 are rejected under 35 U.S.C. 102(e) as being anticipated by Ruf et al (US 7013155 B1).

Regarding claim 27 Ruf et al disclose a method for instant retrieval of a voice message sent from an initiating user (see sender 102 in fig.1) to a target user (see recipient 104 in fig.1) through an instant voice messaging (IVM) server (see messaging server 106 in fig.1) , comprising the steps of:

a.

by the target user (see recipient 104 in fig.1), receiving a smart notification from the IVM server that the target user is provided with a particular instant voice message (In step 312 of FIG. 3, the message server 106 directs an SMS controller or gateway to generate and send an SMS message, or notification, regarding the fact that a voice message for the recipient wireless device 104 has been stored in IVR voice server 110 see coln:6 lines 43-47)

; and

b.

by the target user(see recipient 104 in fig.1), directly accessing the particular message (the SMS message notifies recipient wireless station 104 that a voice message is stored in IVR voice server 110 and is waiting to be accessed and includes instructions for enabling the recipient wireless device to access the voice message. The instructions can include the telephone number of the IVR voice server 110 and, optionally, an explanation of the way in which the voice message can be retrieved.

The SMS message can also include other information, such as the identity and location of the sender or information describing the subject of the voice message see coln:7 lines 35 -44)

Regarding claim 28 Ruf et al disclose the method, wherein the step of receiving a smart notification includes receiving a notification selected from the group consisting of a caller ID notification and a short message service (SMS) notification (the SMS message notifies recipient wireless station 104 that a voice message is stored in IVR voice server 110 and is waiting to be accessed and includes instructions for enabling the recipient wireless device to access the voice message. The instructions can include the telephone number of the IVR voice server 110 and, optionally, an explanation of the way in which the voice message can be retrieved. The SMS message can also include other information, such as the identity and location of the sender or information describing the subject of the voice message see coln: 7 lines 35 -44)

Regarding claim29 Ruf et al disclose the method, wherein the step of receiving a caller ID notification further includes receiving a notification comprising an access code to an IVM instant retrieval module (IVR server 110 in fig.1) , a unique identification code for the particular instant voice message, and a message type (the SMS message notifies recipient wireless station 104 that a voice message is stored in IVR voice server 110 and is waiting to be accessed and includes instructions for enabling the recipient wireless device to access the voice message. The instructions can include the telephone number of the IVR voice server 110 and, optionally, an explanation of the way in which the voice message can be retrieved. The SMS message can also include

other information, such as the identity and location of the sender or information describing the subject of the voice message see coln: 7 lines 35 -44)

Regarding claim30 Ruf et al disclose The, wherein the message type is selected from the group consisting of an instant voice message (The present invention is directed to systems and methods for enabling voice messages to be created by a sender and to be delivered to one or more selected recipients of SMS-enabled recipient devices, regardless of the other communication capabilities of the recipient devices. According to the invention, the sender creates an instant voice message at a time selected by the sender and initiates delivery of the voice message to the wireless station of the recipient see coln: 2 lines 7-14) a voice-mail, a multi-media service message and a unified message.

Regarding claim 31Ruf et al disclose the method, wherein the step of directly accessing the particular message includes accessing the message while the message is being sent by an initiating user (In step 312 of FIG. 3, the message server 106 directs an SMS controller or gateway to generate and send an SMS message, or notification, regarding the fact that a voice message for the recipient wireless device 104 has been stored in IVR voice server 110 see coln:6 lines 43-47)

Regarding claim 32 Ruf et al disclose the method, wherein the step of directly accessing the particular message includes accessing the message after the message has been sent in its entirety by an initiating user (The SMS message notifies recipient wireless station 104 that a voice message is stored in IVR voice server 110 and is waiting to be accessed and includes instructions for enabling the recipient wireless

device to access the voice message. The instructions can include the telephone number of the IVR voice server 110 and, optionally, an explanation of the way in which the voice message can be retrieved the telephone number of IVR that inherent one digit number see col:7 lines 35-41)

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1-4,6-12,19,21-25,33,34,36-37 and 43-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holt et al (US 20030118160 A1) in view of Ball et al (US 6240391 B1).

Regarding claim1 Holt et al disclose in a communications network, a system for instant voice messaging (Fig.1 shows network-based voice messaging system) comprising:

a. an instant voice messaging (IVM) server (Fig.1 shows voice messaging server 108) operative to essentially simultaneously receive from an initiating user (telephone 116 calls the subscriber at telephone 106, the call will be processed by the subscriber's host switch 102 in the normal manner. If subscriber line 106a is busy or the call is not answered, the call is forwarded from switch 102 to VMS server 108 via PSTN 110 and switch 104 see [0007] lines 1-6).

b.a switch (see switch 104) coupled to the IVM server (Fig.1shows voice messaging server 108) and operative to effect communications between the initiating user (Fig. 1 shows subscriber 116) and each the at least one target user (Fig. 1 shows subscriber 106) and the IVM server (Fig.1 shows voice messaging server 108), as well as between the initiating and the at least one target users;

whereby each voice message originating from the initiating user may be instantly transmitted over the communications network to the at least one target user (telephone 116 calls the subscriber at telephone 106, the call will be processed by the subscriber's host switch 102 in the normal manner. If subscriber line 106a is busy or the call is not answered, the call is forwarded from switch 102 to VMS server 108 via PSTN 110 and switch 104 see [0007] lines 1-6).

Holt et al does not disclose at least one voice message fragment and stream the at least one voice fragment to at least one target user. Ball et al from the same or similar endeavor teach (the messaging system receives and stores the PML-formatted message sent by the sender over the data network. Upon being accessed by the recipient for retrieval of the message, the system accesses the message, and a processor interprets the PML markup within the message to effect playing of the textual and/or audio fragments of the message to the recipient in accordance with the embedded instructions associated with that markup see col:3 lines 24-32) . Thus it would have been obvious to one of ordinary skill in the art to implement the method of Ball et al in the system of Holt et al. The method of Holt et al can be implemented on any type of method at least one voice message fragment and stream the at least one

voice fragment to at least one target user which is taught by Ball et al with a motivation to re-assemble the message fragments into a unified message for presentation to the recipient of the message.

Regarding claim2 note that Holt et al disclose the system (FIG. 1 shows how conventional voice messaging services operate. PSTN domain 100 includes telephony systems such as switches 102 and 104 see [0006] lines 1-3)
, wherein the communication network is selected from the group consisting of a telephony network (figure. 1 shows PSTN 110) and a voice over Internet protocol (VoIP) network telephony network, and wherein the switch is respectively selected from the group consisting of a telephony switch (domain 100 includes telephony systems such as switches 102 and 104 See [0006] lines 2-3) and a VoIP switch.

Regarding claim3 note that Ball et al teach the system, wherein the IVM server (Integrating messaging system 104 see col:4 lines 48-55 and fig. 1) includes a fragment storage and streaming module operative to provide the essentially simultaneous reception and transmission of the at least one voice fragment (A structured message prepared by the sender from, as an example, client terminal 101, and which includes a plurality of messaging elements that are formatted with PML markup, or the like, is sent to such an integrated messaging system 104 having these functionalities and then stored. When the recipient accesses messaging system 104, the message is retrieved from storage and processed in accordance with the embedded instructions with the PML marked-up stored message. The messaging system 104, thus includes an interpreter that is able to interpret the embedded instructions and audibly present the

message to the recipient in the manner intended by sender. Thus, the various messaging elements may include a combination of textual fragments within the body of the message, audio and/or textual fragments in data files attached to and stored with the message, and textual and/or audio fragments stored at specified URLs on IP network 105 see xol:6 lines 51-67)

Regarding claim4 note that Holt et al disclose the system, wherein the telephony network is selected from the group consisting of a cellular network and a wire-line network (FIG. 1 shows how conventional voice messaging services operate. PSTN domain 100 includes telephony systems such as switches 102 and 104 see [0006] lines 1-3).

Regarding claim6 note that Holt et al disclose the system, wherein the operativeness of the switch to effect communications between each the initiating and target users and the IVM server is facilitated by an IVM number assigned to each the user (When a caller, using, for example, telephone 116 calls a subscriber at telephone 106, the call may be processed by the subscriber's switch 102 in the normal manner. That is, the switch may attempt to terminate (i.e., connect) the call to the subscriber's line 106a. If subscriber line 106a is busy or the call is not answered, the call may be forwarded from switch 102 to inbound media gateway 112 via communications link 10 that inherent a phone number [0023] lines 1-8).

Regarding claim7 note that Ball et al teach the system, wherein the IVM number is selected from the group of an individual user IVM number and a multiple target user IVM number (The messaging system 104, as will be described, is also capable of

accepting and processing touch-tone keypad or voice inputs from the recipient received during the recipient's interaction with the structured message although the recipient is shown in FIG. 1 connected by his telephone 106 to messaging system 104 via PSTN 107, it is recognized that the recipient could also be connected via his telephone set to the messaging system over an IP-telephony connection, or over any other type of analog or data network see coln:4 lines 57-65)

Regarding claim 8 note that Ball et al teach the system, wherein each the individual user IVM number includes a session identifier and a telephone number or Internet Protocol (IP) address (although the recipient is shown in FIG. 1 connected by his telephone 106 to messaging system 104 via PSTN 107, it is recognized that the recipient could also be connected via his telephone set to the messaging system over an IP-telephony connection, or over any other type of analog or data network see coln: 4 lines 60-65)

Regarding claim 9 note that Ball et al teach the system, wherein the session identifier is selected from the group consisting of a prefix located before the telephone number or IP address and a suffix located after the telephone number or IP address (The messaging system 104, as will be described, is also capable of accepting and processing touch-tone keypad or voice inputs from the recipient received during the recipient's interaction with the structured message although the recipient is shown in FIG. 1 connected by his telephone 106 to messaging system 104 via PSTN 107, it is recognized that the recipient could also be connected via his telephone set to the

messaging system over an IP-telephony connection, or over any other type of analog or data network see coln:4 lines 57-65)

Regarding claim 10 note that Ball et al teach the system, wherein the prefix and the suffix each include a three-digit number (the messaging system 104 dials out to that telephone number over PSTN 107 (or the equivalent for non-PSTN destinations) and, on answer, plays the sequence of DTMF tones corresponding to the "extension", and then allows the recipient to continue on telephone set 106 with the just established call to the answering party at telephone set 115 see coln:13 lines 18-24).

Regarding claim 11 note that Ball et al teach, wherein the multiple target user IVM number includes, in order, an IVM session identifier, a multiple target user identifier, and a telephone number or IP address of each the at least one target user (In addition to links to telephone numbers or IP telephony addresses, the message may contain embedded links that specify destinations for messaging rather than telephony connections. Examples of the these include email addresses and Web services for HTTP upload. If the recipient chooses to act on one of these links, a voice message may be recorded and sent to the specified link address as, for example, an email attachment see coln:13 lines 37-44).

Regarding claim 12 note that Ball et al teach, wherein the IVM session identifier is a three- digit number (the messaging system 104 dials out to that telephone number over PSTN 107 (or the equivalent for non-PSTN destinations) and, on answer, plays the sequence of DTMF tones corresponding to the "extension", and then allows the

recipient to continue on telephone set 106 with the just established call to the answering party at telephone set 115 see coln:13 lines 18-24).

Regarding 19 note that Ball et al teach the system, further comprising a paging system selected from the group consisting of a text paging system and a voice paging system (Similarly, by inputting text through the text input window 1011, the sender can create textual fragments to be incorporated as part of the message which, when received by the messaging system and retrieved by the recipient, will be converted from text into speech see coln:26 lines 7-12 and Fig. 10),

the paging system coupled to the IVM server, wherein the IVM server further includes

i. a voice recognition module operative to convert voice messages into voice paging messages (the recipient to navigate between messaging elements through voice and/or keypad inputs, as if the recipient was connected to an active interactive voice response (IVR) system. The recipient will thus hear

those content-related messaging elements from within the structured message that are associated with and are responsive to his command inputs see coln:2 lines 28-34) , and

ii. a text-to-speech recognition module (the message is formulated by converting the text to speech using a text-to-speech processor see coln:3 lines 34-36)

operative to convert voice messages into text messages (At step 606, if the recipient has made an audio input, the ASR processor within the messaging system converts the recipient's input to textual or numerical information see coln:18 lines 56-59).

and wherein the paging system is operative to communicate the voice paging messages and the text messages to a pager belonging to the at least one target user (Text-to-speech (TTS) module 910, which may be implemented in hardware, software, or a combination of hardware and software, includes a digital signal processor, which may be implemented within the module itself or on CPU 904.TTS module 910 converts the textual fragments within the structured message to speech during play-out of the message to the recipient. Automatic speech recognition (ASR) module 911, which may also be implemented in hardware,software, or a combination of hardware and software, monitors the recipient's audio input, recognizing the recipient's utterances see coln:25 lines 40-50).

Regarding claim2 1 Holt et al disclose a method for relaying an instant voice message (Fig.1 shows network-based voice messaging system) from an initiating user (Fig. 1 shows subscriber 116) to at least one target user (Fig. 1 shows subscriber 106) over a communications network (see PSTN 110 of Fig.1) , comprising the steps of:

a.

at an instant voice messaging (IVM) server (Fig.1shows voice messaging server 108). Holt et al dose not disclose

receiving at least one voice message fragment from an initiating user and

essentially simultaneously with the step of receiving, streaming the at

least one voice fragment to at least one target user . Ball et al from the same or similar endeavor teach (the messaging system receives and stores the PML-formatted message sent by the sender over the data network. Upon being accessed by the

recipient for retrieval of the message, the system accesses the message, and a processor interprets the PML markup within the message to effect playing of the textual and/or audio fragments of the message to the recipient in accordance with the embedded instructions associated with that markup see col:3 lines 24-32) . Thus it would have been obvious to one of ordinary skill in the art to implement the method of Ball et al in the system of Holt et al. The method of Holt et al can be implemented on any type of method receiving at least one voice message fragment from an initiating user and

essentially simultaneously with the step of receiving, streaming the at least one voice fragment to at least one target user which is taught by Ball et al with a motivation to re-assemble the message fragments into a unified message for presentation to the recipient of the message.

Regarding claim 22 Holt et al disclose modified by Ball et al teach the method, wherein the step of receiving at least one voice message fragment from an initiating user (Ball et al : the messaging system receives and stores the PML-formatted message sent by the sender over the data network. Upon being accessed by the recipient for retrieval of the message, the system accesses the message, and a processor interprets the PML markup within the message to effect playing of the textual and/or audio fragments of the message to the recipient in accordance with the embedded instructions associated with that markup see col:3 lines 24-32) includes i. providing a switch (Holt et al :see switch 104) coupled to the IVM server (Holt et al :Fig.1shows voice messaging server 108) and operative to effect communications

between each the initiating and target users and the IVM server, as well as between the initiating user and the at least one of target user (telephone 116 calls the subscriber at telephone 106, the call will be processed by the subscriber's host switch 102 in the normal manner. If subscriber line 106a is busy or the call is not answered, the call is forwarded from switch 102 to VMS server 108 via PSTN 110 and switch 104 see [0007] lines 1-6).

ii. providing a unique instant voice messaging (IVM) number to each target user (Ball et al: the messaging system can collect input data from the recipient, communicate that data to a specified destination system, such as a server, and place a telephone call to a phone number associated with that destination system see coln:2 lines 63-67).

; and

iii. accessing the IVM server; and wherein the step of streaming the at least one voice fragment to at least one target user, until the entire instant voice message is relayed to the at least one target user includes (Ball et al : the messaging system receives and stores the PML-formatted message sent by the sender over the data network. Upon being accessed by the recipient for retrieval of the message, the system accesses the message, and a processor interprets the PML markup within the message to effect playing of the textual and/or audio fragments of the message to the recipient in accordance with the embedded instructions associated with that markup see col:3 lines 24-32)

iv. at the IVM server, starting to record and store fragments of the instant voice message while accessing the target user (Ball et al: These messaging elements

illustratively include large or small textual fragments that, when formulated for presentation to the recipient, are converted by the messaging system to a speech signal (viz., message fragments); large or small audio or textual fragments contained in files that are attached as separate files to the structured message; large or small textual or audio fragments that are located (viz., also message fragments) and retrievable from a specified address on the network on which the messaging system 104 is located; and implicit or explicit embedded instructions that define the structure of the message. The latter includes not only the order in which the message fragments are to be audibly presented to the recipient when the message is retrieved by the recipient from the messaging system 104 see coln:4 line1 and coln:5 lines 1-13).

Regarding claim23 note that Ball et al disclose the method, further comprising the steps of:

c. if the at least one target user answers the IVM server, streaming already stored fragments of the instant voice message to the at least one target user until the entire message is transmitted (messaging system 104 is capable of receiving, storing, interpreting, and delivering such structured messages to the intended recipient when he accesses his mailbox through an audio terminal, such as a telephone set 106 connected to the PSTN (public switched telephone network)107. The messaging system 104, as will be described, is also capable of accepting and processing touch-tone keypad or voice inputs from the recipient received during the recipient's interaction with the structured message see coln: 4 lines 52-60)

; or

if the at least one target user does not answer the IVM server,

processing the instant voice message at the IVM server according to predetermined rules (The message, including a plurality of such messaging elements is delivered to an address indicated in the message of the recipient's mailbox on a messaging system that has the capability of interpreting the

instructions incorporated within the structured message. That messaging system, upon retrieval by the recipient, assembles, in accordance with the instructions that define the message structure, an audio message using the

messaging elements associated with the message content, and presents that assembled message to the recipient in its intended format see coln:2 lines 10-20)

Regarding claim24 note that Ball et al disclose the method, wherein the at least one target user is a single target user, and wherein the step of providing an IVM number to the single target user (the messaging system 104 offers the recipient, for example, an opportunity to make an outgoing call to that linked address. If the recipient performs a responsive action to that offer, such as making a keypad entry or supplying a voice input, which command is interpreted by the messaging system to represent an affirmative election by the recipient to select that link, the messaging system 104 dials out to that telephone number over PSTN 107 (or the equivalent for non-PSTN destinations) and, on answer,

plays the sequence of DTMF tones corresponding to the "extension", and then allows the recipient to continue on telephone set 106 with the just established call to the answering party at telephone set 115 see coln:13 lines 12-24)

includes providing an individual two-part number that includes an IVM session identifier and a telephone number or IP address that uniquely identifies the target user (The structured message may also contain embedded addresses, or "links" as they are currently known in the Internet art, that specify a telephone address such as a telephone number (e.g., 630-555-5555 of a telephone set 115 on PSTN 107), or an IP telephony address (e.g. sip:krehor@ipt.training at client terminal 116). The link may optionally also contain additional information, such as DTMF information, which can typically represent an
"extension" specified as a string of keypad numbers see col:12 lines64-67 and coln:13 lines 1-5).

Regarding claim 25 note that Ball et al disclose the method, wherein the at least one target user includes a plurality of target users (fig. 1 shows plurality of recipients 121-1 and 121-4), and wherein the step of providing an IVM number to the plurality of target users includes providing a three-part, multiple target user number (In addition to links to telephone numbers or IP telephony addresses, the message may contain embedded links that specify destinations for messaging rather than telephony connections see coln:13 lines 37-40)
that includes an IVM session identifier, a multiple target user identifier, and a telephone number or IP address of each of the target users (The structured message may also contain embedded addresses, or "links" as they are currently known in the Internet art, that specify a telephone address such as a telephone number (e.g., 630-555-5555 of a telephone set 115 on PSTN 107), or an IP telephony address (e.g.

sip:krehor@ipt.training at client terminal 116). The link may optionally also contain additional information, such as DTMF information, which can typically represent an "extension" specified as a string of keypad numbers see col:12 lines64-67 and coln:13 lines 1-5).

Regarding claim 33 Holt et al discloses an instant voice messaging (IVM) server (Fig.1shows voice messaging server 108) comprising:

b.

a communication mechanism to communicate (telephone 116 calls the subscriber at telephone 106, the call will be processed by the subscriber's host switch 102 in the normal manner. If subscriber line 106a is busy or the call is not answered, the call is forwarded from switch 102 to VMS server 108 via PSTN 110 and switch 104 see [0007] lines 1-6).

with the first user (Fig. 1 shows subscriber 116) and the at least one second (Fig. 1 shows subscriber 106).

Holt et al does not disclose;

a.

a mechanism for receiving at least one voice message fragment from a first user and for essentially simultaneously streaming the at least one voice message fragment to at least one second user . Ball et al from the same or similar endear t each (the messaging system receives and stores the PML-formatted message sent by the sender over the data network. Upon being accessed by the recipient for retrieval of the message, the system accesses the message, and a processor interprets the PML

markup within the message to effect playing of the textual and/or audio fragments of the message to the recipient in accordance with the embedded instructions associated with that markup see col: 3 lines 24-32). Thus it would have been obvious to one of ordinary skill in the art to implement the method of Ball et al in the system of Holt et al. The method of Holt et al can be implemented on any type of method a mechanism for receiving at least one voice message fragment from a first user and for essentially simultaneously streaming the at least one voice message fragment to at least one second user which is taught by Ball et al with a motivation to re-assemble the message fragments into a unified message for presentation to the recipient of the message.

Regarding claim34 note that Hot et al disclose the IVM server (Fig.1shows voice messaging server 108),

Also note that Ball et al teaches wherein the mechanism for reception and essentially simultaneous streaming of the at least one voice fragment includes a fragment streaming (the messaging system receives and stores the PML-formatted message sent by the sender over the data network. Upon being accessed by the recipient for retrieval of the message, the system accesses the message, and a processor interprets the PML markup within the message to effect playing of the textual and/or audio fragments of the message to the recipient in accordance with the embedded instructions associated with that markup see col: 3 lines 24-32) and storage module operative to recognize the format of the voice message and to save the message in fragments of a given size (pre-recorded audio files containing either small or large voice fragments, through the real-time input of audio fragments see coln:5 lines 29-31)

Regarding claim36 Holt et al disclose in a communications network, a system for instant voice messaging (Fig.1 shows network-based voice messaging system) comprising:

a. an instant voice messaging (IVM) server (Fig.1 shows voice messaging server 108) operative to essentially simultaneously receive from an initiating user (telephone 116 calls the subscriber at telephone 106, the call will be processed by the subscriber's host switch 102 in the normal manner. If subscriber line 106a is busy or the call is not answered, the call is forwarded from switch 102 to VMS server 108 via PSTN 110 and switch 104 see [0007] lines 1-6).

having an initiating user handset (Fig. 1 shows subscriber 116)

b.

a switch (see switch 104) coupled to the IVM server Fig.1shows voice messaging server 108) and operative to effect communications between the initiating user (Fig. 1 shows subscriber 116) and each the at least one target user (Fig. 1 shows subscriber 106 and the IVM server, as well as between the initiating and the at least one target users (telephone 116 calls the subscriber at telephone 106, the call will be processed by the subscriber's host switch 102 in the normal manner. If subscriber line 106a is busy or the call is not answered, the call is forwarded from switch 102 to VMS server 108 via PSTN 110 and switch 104 see [0007] lines 1-6).

c.

a mechanism included in each the handset for allowing a one-push access to the server for sending or listening to the voice message (The message may

inform the subscriber that a caller is recording a message to his voice messaging system and may provide an opportunity for the subscriber to monitor the call. If the subscriber accepts the invitation, a voice path may be established, via communications link 20, between packet telephony client 210 and conference server 202. Once all of the voice paths have been established, a three-way conference call is in progress between the caller at telephone 116, VMS server 108 and the subscriber at packet telephony client 210. If the subscriber declines the invitation, or there is no response from packet telephony client 210, the call between the caller and VMS server 108 continues unimpeded, but still utilizes resources on conference server 202 see [0028] lines 5-18).

whereby each voice message originating from the initiating user may be instantly transmitted over the communications network to the at least one target user (telephone 116 calls the subscriber at telephone 106, the call will be processed by the subscriber's host switch 102 in the normal manner. If subscriber line 106a is busy or the call is not answered, the call is forwarded from switch 102 to VMS server 108 via PSTN 110 and switch 104 see [0007] lines 1-6).

Holt et al does not disclose at least one voice message fragment and stream the at least one voice fragment to at least one target user having a respective target user handset .Ball et al from the same or similar endeavor teach (the messaging system receives and stores the PML-formatted message sent by the sender over the data network. Upon being accessed by the recipient for retrieval of the message, the system accesses the message, and a processor interprets the PML markup within the

message to effect playing of the textual and/or audio fragments of the message to the recipient in accordance with the embedded instructions associated with that markup see col:3 lines 24-32) . Thus it would have been obvious to one of ordinary skill in the art to implement the method of Ball et al in the system of Holt et al. The method of Holt et al can be implemented on any type of method at least one voice message fragment and stream the at least one voice fragment to at least one target user having a respective target user handset which is taught by Ball et al with a motivation to re-assemble the message fragments into a unified message for presentation to the recipient of the message.

Regarding claim37 Ball et al teach the system, wherein the mechanism includes at least one button, and wherein the one-push operation includes activation of the at least one button (The sender has these predefined fragments available to formulate a message. By activating an audio recorder through button 1010, the sender can record, using a microphone associated with the client terminal, one or more audio clips that can be
incorporated into the message and affixed to the message as audio data files see coln:26 lines 2-7)

Regarding claim 43 Holt et al disclose modified by Ball et al teach the system, wherein at least one of the handsets is a special handset (Holt et al: telephone 116 calls the subscriber at telephone 106, the call will be processed by the subscriber's host switch 102 in the normal manner. If subscriber line 106a is busy or the call is not answered, the call is forwarded from switch 102 to VMS server 108 via PSTN 110 and

switch 104 see [0007] lines 1-6), and wherein the at least one button is a dedicated button (Ball et al: The sender has these predefined fragments available to formulate a message. By activating an audio recorder through button 1010 see coln:26 lines 2-4).

Regarding claim 44 Ball et al teach the system, wherein the dedicated button is selected from the group consisting of a dedicated IVM button, a dedicated short message service (SMS) (When the message has been formulated by the sender, and a destination entered into destination window 1026, the sender selects the send button 1027 see coln:26 lines33-35)
button and a dedicated push-to-talk (PTT) button.

7. Claims 5 and 13-17are rejected under 35 U.S.C. 103(a) as being unpatentable over Holt et al (US 20030118160 A1) in view of Ball et al (US 6240391 B1) as applied in claim 1 above and further in view of Corliss et al (US 6771949 B1).

Regarding claim 5 Holt et al and Ball et al does not disclose the system, wherein the cellular network implements a technology selected from the group consisting of a 1st generation (1G), 2nd generation (2G), 2.5 generation (2.5G), and 3rd generation (3G) cellular technology.Corliss from the same or similar endeavor teach (according to the present invention is for use in a communication network for routing a wireless voice mail message notification to a subscriber. The system includes an Internet gateway in communication with the communication network. Also included is a database which has a list of subscriber e-mail addresses corresponding to each subscriber's voice

mailbox see coln: 3 lines 1-8). Thus it would have been obvious to one of ordinary skill in the art to implement the method of Corliss in the system of Holt et al and Ball et al. The method of Holt et al and Ball et al can be implemented on any type of method wherein the cellular network implements a technology selected from the group consisting of a 1st generation (1G), 2nd generation (2G), 2.5 generation (2.5G), and 3rd generation (3G) cellular technology which is taught by Corliss with a motivation to route a wireless voice message notification to a subscriber.

Regarding claim 13 Holt et al and Ball et al does not disclose the system, further comprising an instant retrieval module preferably included in the IVM server and operative to provide a first smart notification to the at least one target user in case the pushing of the instant voice message fails, and a second notification to the initiating user about a status of the message . Corliss from the same or similar endeavor teach (further comprising an instant retrieval module preferably included in the IVM server and operative to provide a first smart notification (advantages of the present invention, provided is a method for providing voice message notification to a voice mail subscriber over the Internet.The subscriber has a telephone serviced by a corresponding switch. The method includes receiving a voice message from a calling party for the subscriber, and further includes forwarding the voice message to a mailbox for storage therein. Also included is generating the message notification upon receipt of the voice message see coln:2 lines 11-19)

to the at least one target user in case the pushing of the instant voice message fails, and a second notification to the initiating user about a status of the message (The

method includes receiving a voice message from a calling party for the subscriber, and further includes forwarding the voice message to a mailbox for storage therein. Also included is generating the message notification upon receipt of the voice message see coln:2 lines 16-19) . Thus it would have been obvious to one of ordinary skill in the art to implement the method of Corliss in the system of Holt et al and Ball et al. The method of Holt et al and Ball et al can be implemented on any type of method the system,

further comprising an instant retrieval module preferably included in the IVM server and operative to provide a first smart notification to the at least one target user in case the pushing of the instant voice message fails, and a second notification to the initiating user about a status of the message which is taught by Corliss with a motivation to route a wireless voice message notification to a subscriber

Regarding claim14 note that Corliss teach the system, wherein the status is selected from a rejection of the message by the at least one target user and acceptance of the message by the at least one target user (Voice response unit 18 also includes control logic 20 for determining into which mailbox to place the voice message. In the wireless network, control logic 20 communicates with service node 16 for generating messages for receipt by wireless switch 12 instructing switch 12 to provide the voicemail message notification services to the subscriber see coln:4 lines 58-63)

Regarding claim15 note that Corliss teaches the system, further comprising a short messaging service center (Service node 16 is a node, acting as a Short Message Service Center (SMSC) see coln:4 lines 35-36)

coupled to the IVM server and the switch (The system has a switch which supplies telecommunication services to the subscriber. Also included is a voice response unit which is coupled to the switch and is operative to receive an uncompleted call from a calling party to the telephone associated with the subscriber, forward the call to a voice response unit and receive a voice mail message in a subscriber mailbox see coln:3 lines 42-48),

wherein the smart notification is selected from the group consisting of a short message service (SMS) notification (The subscriber has a telephone serviced by a corresponding switch. The method includes receiving a voice message from a calling party for the subscriber, and further includes forwarding the voice message to a mailbox for storage therein. Also included is generating the message notification upon receipt of the voice message. The message notification is of the SMS type see coln:2 lines 16-21) and a smart caller identification (ID).

Regarding 16 Holt et al and Ball et al does not disclose the system, further comprising a presence status subsystem coupled to the IVM server and operative to provide a status parameter of the at least one target user . Corliss from the same or similar endeavor teach (The system has a switch which supplies telecommunication services to the subscriber. Also included is a voice response unit which is coupled to the switch and is operative to receive an uncompleted call from a calling party to the telephone associated with the subscriber, forward the call to a voice response unit and receive a voice mail message in a subscriber mailbox see coln:3 lines 42-48) Thus it would have been obvious to one of ordinary skill in the art to implement the method of Corliss in the

system of Holt et al and Ball et al. The method of Holt et al and Ball et al can be implemented on any type of method further comprising a presence status subsystem coupled to the IVM server and operative to provide a status parameter of the at least one target user which is taught by Corliss with a motivation to route a wireless voice message notification to a subscriber.

Regarding claim 17 note that Corliss teach the system, wherein the presence status subsystem is selected from the group of a presence status module included in the IVM server (Another link 14 is provided between SMS service node 16 and wireless switch 12, which is an SS7 link. Thus, voice response unit 18, upon receipt and storage of a voice mail message in a subscriber's mailbox 19, generates an SMS message notification signal across data link 24 to service node 16. The signal indicates the presence and number of voice mail messages in a voice mailbox corresponding to a particular subscriber/wireless phone number see coln:5 lines 17-24) and an external presence status server coupled to the IVM server.

8. Claims 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Holt et al (US 20030118160 A1) in view of Ball et al (US 6240391 B1) and further in view of Corliss et al (US 6771949 B1) as applied in claim 17 above and further in view of Diacakis (US 20020120774 A1).

Regarding claim18 Holt et al and Ball et and Corliss does not disclose the system, wherein the cellular network is a global system for mobile communications (GSM) network, and wherein the presence status server is further coupled to a home location register. Diacakis from the same or similar endeavor teach (the presence detection engine 18 may be in communication with a service control point (SCP) of the SS7 network. According to another embodiment, the presence detection engine 150 may receive inputs from a Home Location Register (HLR) of a wireless telephone network to determine if the individual is present on his mobile phone 166. The wireless telephone network may be, for example, an AMPS (Advanced Mobile Phone Service) network, a TACS (Total Access Communication System) network, a UMTS (Universal Mobile telecommunications System), a GSM network, a CDMA network, a TDMA network, a GPRS (General Packet Radio Service) network or a wireless CDPD (Cellular Digital Packet Data) network see [0043])

Thus it would have been obvious to one of ordinary skill in the art to implement the method of Corliss in the system of Holt et al, Ball et al and Corliss. The method of Holt et al, Ball et al and Corliss can be implemented on any type of method wherein the cellular network is a global system for mobile communications (GSM) network, and wherein the presence status server is further coupled to a home location register which is taught by Diacakis with a motivation in order to provide voice activated presence information.

9. Claims 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Holt et al (US 20030118160 A1) in view of Ball et al (US 6240391 B1) as applied in claim 1 above and further in view of McZeal ,Jr (US 6763226 B1)

Regarding claim 20 Holt et al and Ball et al does not disclose the system, further comprising a push-to-talk (PTT) module included in the IVM server and operative to facilitate instant voice messaging between the initiating user and the at least one PTT target user .McZeal ,Jr from the same or similar endeavor teach(The operations of this PUSH-TO-TALK function button is very simple in that an end user would simply highlight or select a particular person in which he/she wishes to chat with and then press the PUSH-TO-TALK button. Once the button has been depressed the action will execute a command to contact a remote user on the network see coln:35 lines 5-10). Thus it would have been obvious to one of ordinary skill in the art to implement the method of McZeal, Jr in the system of Holt et al and Ball et al. The method of Holt et al and Ball et al can be implemented on any type of method further comprising a push-to-talk (PTT) module included in the IVM server and operative to facilitate instant voice messaging between the initiating user and the at least one PTT target user which is taught by McZeal ,Jr with a motivation to provide uniformed global wireless communication operates anywhere on earth.

10. Claims 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Holt et al (US 20030118160 A1) in view of Ball et al (US 6240391 B1) as applied in claim 23 above and further in view of Grabelsky et al (US 20040003046 A1)

Regarding claim 26 Holt et al and Ball et al disclose the method, wherein the step of streaming already stored fragments (Ball et al: the messaging system receives and stores the PML-formatted message sent by the sender over the data network. Upon being accessed by the recipient for retrieval of the message, the system accesses the message, and a processor interprets the PML markup within the message to effect playing of the textual and/or audio fragments of the message to the recipient in accordance with the embedded instructions associated with that markup see col:3 lines 24-32)

Holt et al and Ball et al does not disclose followed by an operation selected from the group of, by the at least one target user, moving to full-duplex session with the initiating user mad further processing the instant voice message. Grabelsky et al from the same or similar endeavor teach (session bridging between users may span two or more conference servers. According to one embodiment, RTP sessions between the conference servers and client terminals may be full-duplex, i.e., allowing bi-directional data transmission on a signal carrier at the same time. In an alternative embodiment, a half-duplex communication, i.e., allowing a bi-directional data transmission on a bi-directional communication link, but not at the same time, may be reinforced when actual voice messages are sent to avoid introduction of echo see [0037] lines 13-22). Thus it would have been obvious to one of ordinary skill in the art to implement the method of

Grabelsky et al in the system of Holt et al and Ball et al. The method of Holt et al and Ball et al can be implemented on any type of method followed by an operation selected from the group of, by the at least one target user, moving to full-duplex session with the initiating user mad further processing the instant voice message which is taught by Grabelsky et al with a motivation in order to provide bidirectional data transmission across communication networks.

11. Claims 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Holt et al (US 20030118160 A1) in view of Ball et al (US 6240391 B1) as applied in claim 33 above and further in view of Ruf et al (US 7013155 B1)

Regarding claim35 Holt et and Ball et al disclose the IVM server (Holt et al: Fig.1shows voice messaging server 108),
Holt et and Ball et al does not disclose further comprising an instant retrieval module operative to provide a smart notification to the at least one second user that the instant voice message is being sent to the at least one second user. Ruf et al from the same or similar endeavor teach further comprising an instant retrieval module operative to provide a smart notification to the at least one second user (see recipient 104 in fig.1), that the instant voice message is being sent to the at least one second user (In step 312 of FIG. 3, the message server 106 directs an SMS controller or gateway to generate and send an SMS message, or notification, regarding the fact that a voice message for the recipient wireless device 104 has been stored in IVR voice server 110 see coln:6

lines 43-47) . Thus it would have been obvious to one of ordinary skill in the art to implement the method of Ruf et al in the system of Holt et al and Ball et al. The method of Holt et al and Ball et al can be implemented on any type of method further comprising an instant retrieval module operative to provide a smart notification to the at least one second user that the instant voice message is being sent to the at least one second user which is taught by Ruf et al with a motivation to provide an efficient instant voice message delivery in a wireless network using the SMS protocol.

12. Claims 42 is rejected under 35 U.S.C. 103(a) as being unpatentable over Holt et al (US 20030118160 A1) in view of Ball et al (US 6240391 B1) as applied in claim 36 above and further in view of Moore et al (US 20030193961 A1)

Regarding claim 42 Holt et and Ball et al does not disclose the system wherein the IVM server optionally includes a smart charging module operative to provide smart charging for actions effected through the IVM server. Moore et al from the same or similar endeavor teach (Both the intelligent presence gateway 105, via connection 14, and voice processing system 103, via connection 12, are coupled to a billing system 123 for recording service and session events that allow the enhanced services presence-based call completion to be charged on a per-call, per-message, per event, per minute, or other per-unit of time or data basis see [0096] lines 1-7 and Fig.1). Thus it would have been obvious to one of ordinary skill in the art to implement the method of Moore et al in the system of Holt et al and Ball et al. The method of Holt et al and

Ball et al can be implemented on any type of method wherein the IVM server optionally includes a smart charging module operative to provide smart charging for actions effected through the IVM server which is taught by Moore et al with a motivation to provides for authorizing the fulfillment of service requests based upon information pertaining to a billable a ccount.

Conclusion

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to KHALID ABDALLA whose telephone number is (571)270-7526. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dang Ton can be reached on 571-272-3171. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/K. A./

Examiner, Art Unit 2419

/DANG T TON/
Supervisory Patent Examiner, Art Unit 2419/D. T. T./
Supervisory Patent Examiner, Art Unit 2419